

## REMARKS

### I. Status Summary

Claims 12-48 are pending in the subject patent application. Claims 12, 20, 22, 28, 37, 38, and 41 have been amended. Therefore, upon entry of this Amendment, Claims 12-48 will be pending. No new matter has been introduced by the present amendment. Reconsideration of the application as amended and based on the remarks set forth hereinbelow is respectfully requested.

Applicant acknowledges and greatly appreciates the Telephone Interview dated March 24, 2005. Applicant notes that the above claim amendments have been made in accordance with and as agreed in the Telephone Interview and are believed to place the claims in condition for allowance based on comments made by the Examiner.

### II. Claim Rejections 35 U.S.C. § 102

Claims 12-14, 16-23, 25-29, 31, 33, 35, and 37-48 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,351,059 to Tsuyuki (hereinafter, "Tsuyuki"). Applicant respectfully traverses the rejection and submits the following comments.

As discussed in the Examiner Interview dated March 24, 2005, the movable boundary detection device recited by Claim 12 is distinguished from the teachings of Tsuyuki for several reasons. For example, the function of the Tsuyuki system is completely different than the function of the device recited by Claim 12. Specifically, Tsuyuki is directed to a navigation system for guiding a driver to a target. In marked contrast, Claim 12 is directed to a movable boundary detection device.

Further, Claim 12 has been amended to more clearly distinguish the claimed subject matter from the navigation system taught by Tsuyuki. In particular, Claim 12 has been amended to recite “predefined fixed position coordinates”. In the Examiner Interview, the Examiner indicated that Claim 12 would be in condition for allowance if amended to recite “predefined fixed position coordinates” rather than “predefined position coordinates”.

Tsuyuki discloses displaying the shape and position of a passage through which a user’s vehicle travels with respect to a target or destination which the user is trying to reach. (Tsuyuki, column 7, lines 12-20, and column 11, line 40, to column 12, line 17.) As the user’s vehicle moves, the displayed shape and position of the vehicle’s passage changes so that the user can determine how to adjust control of the vehicle for reaching the target. The target is defined as a single coordinate position that may be stored in the Tsuyuki system. (Tsuyuki, column 6, lines 47-56.) In contrast, Claim 12 recites an indicator that indicates when actual position coordinates of a movable device are a predetermined distance from a boundary defined by predefined fixed position coordinates. Whereas Tsuyuki teaches displaying the passage of a vehicle with respect to a single position coordinate, Claim 12 recites indicating when a movable device is a predetermined distance from a boundary defined by fixed position coordinates. Therefore, Tsuyuki does not teach each and every element recited by Claim 12 and, thus, cannot anticipate the subject matter recited in Claim 12.

Based on the above comments, applicant respectfully requests that the rejection of Claim 12 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time. Additionally, applicant respectfully requests that the rejection of Claims 13, 14, 16-19,

28, 29, 31, 45, and 46 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed at this time because they are believed to be patentably distinguished based on their dependency on Claim 12.

Claims 20, 22, 38, and 41 have been amended similar to Claim 12 to recite “predefined fixed position coordinates” rather than “predefined position coordinates”. Applicant respectfully submits that these amendments to Claims 20, 22, 38, and 41 serve to more clearly distinguish the claimed subject matter from the Tsuyuki navigation system for the similar reasons provided for Claim 12. Therefore, Tsuyuki does not teach each and every element recited by Claims 20, 22, 38, and 41 and, thus, cannot anticipate the subject matter recited in Claims 20, 22, 38, and 41.

Based on the above comments, applicant respectfully requests that the rejection of Claims 20, 22, 38, and 41 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed at this time. Additionally, applicant respectfully requests that the rejection of Claims 21, 23, 25-27, 33, 35, 37, 47, and 48 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time because they are believed to be patentably distinguished based on their dependency on one of Claims 20, 22, 38, and 41.

The Examiner does not mention reasons for rejecting Claims 34 and 36. Claims 34 and 36 depend from Claim 20. Accordingly, applicant respectfully submits that Claims 34 and 36 are patentable over the references cited herein based on the dependency of Claims 34 and 36 on Claim 20.

Regarding Claim 39, the Examiner contends that all of the claimed subject matter is cited in respect to Claims 12, 17, and 21 as noted in the Official Action. (Official Action, page 5.) Applicant respectfully submits that Tsuyuki does not disclose each and

every element recited in Claim 39 and therefore does not anticipate the claim. Specifically, Tsuyuki does not disclose a system for detecting a movable boundary including a first movable device comprising: (1) a first receiver operable to receive a positioning signal including position coordinates of a first movable device in a space; and (2) a transmitter operable to transmit a boundary signal indicating the position coordinates of the first movable device. In addition, Tsuyuki does not disclose a second movable device comprising: (1) a second receiver operable to receive the boundary signal of the first movable device and a positioning signal including position coordinates of the second movable device in the space; (2) a processor module operable to compare the position coordinates of the first movable device to the second movable device; and (3) an indicator operable to indicate when the first movable device is a predetermined distance from the second movable device.

Tsuyuki does not disclose a first movable device having a transmitter operable to transmit a boundary signal indicating the position coordinates of the first movable device. As stated previously, the Tsuyuki navigation system displays the shape and position of a vehicle's passage with respect to a target so that a user can determine how to adjust control of the vehicle for reaching the target. The target is defined as a single coordinate position that may be stored in the Tsuyuki system. Tsuyuki does not disclose transmission the coordinates to a first movable device from the first movable device to a second movable device. In addition, Tsuyuki does not disclose a second movable device operable to compare the position coordinates of the first movable device to the second movable device. Rather, Tsuyuki compares the passage of the vehicle to the target. Because Tsuyuki does not disclose a first movable device having

a transmitter operable to transmit a boundary signal indicating the position coordinates of the first movable device, or a second movable device operable to compare the position coordinates of the first movable device to the second movable device, Tsuyuki does not teach each and every limitation of the presently claimed invention and, thus, cannot anticipate the subject matter recited in Claim 39.

Further, regarding Claim 39, Tsuyuki does not disclose an indicator operable to indicate when the first movable device is a predetermined distance from the second movable device. As noted above, Tsuyuki fails to disclose a first and second movable device as recited in Claim 39. Therefore, the Tsuyuki device cannot indicate when the first movable device is a predetermined distance from the second movable device. Because Tsuyuki does not disclose an indicator operable to indicate when the first movable device is a predetermined distance from the second movable device, Tsuyuki does not teach each and every limitation of the presently claimed invention and, thus, cannot anticipate the subject matter recited in Claim 39.

Based on the above comments, applicant respectfully requests that the rejection of Claim 39 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time. Additionally, applicant respectfully requests that the rejection of Claim 40 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time because it is believed to be patentably distinguished based on its dependency on Claim 39.

Regarding Claim 42, applicant respectfully submits that Tsuyuki does not disclose each and every element recited in Claim 42 and therefore does not anticipate the claim. Specifically, Tsuyuki does not disclose a movable boundary detection device comprising: (1) a memory operable to store medical parameters; and (2) a transmitter

operable to transmit a signal including medical parameters and actual position coordinates of the movable device to a base station. The Examiner contends that all the claimed subject matter is cited in respect to Claim 12 as noted in the Official Action. (Official Action, page 6.) Applicant respectfully submits that Tsuyuki does not disclose a device for storing or transmitting medical parameters. Because Tsuyuki does not disclose a device for storing or transmitting medical parameters, Tsuyuki does not teach each and every limitation of the presently claimed invention and, thus, cannot anticipate the subject matter recited in Claim 42. Therefore, applicant respectfully requests that the rejection of Claim 42 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time.

Regarding Claim 43, the Examiner contends that all of the claimed subject matters of Claim 43 are cited in respect to Claim 12 and including the recited location query at column 7, lines 60-68, and column 8, lines 1-3, of Tsuyuki. (Official Action, page 6.) Tsuyuki teaches a user making requests for information about the position of the vehicle. (Tsuyuki, column 7, lines 60-68, and column 8, lines 1-3.) Applicant respectfully submits that Tsuyuki provides no disclosure of a receiver operable to receive a positioning signal including actual position coordinates of a movable device, operable to receive the location query, and transmit the actual position coordinates of the movable device to the base station in response to receiving the location query, as recited by Claim 43. Therefore, applicant respectfully requests that the rejection of Claim 43 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time.

Regarding Claim 44, the Examiner contends that all of the claimed subject matter of Claim 44 is cited in respect to Claim 20. (Official Action, page 6.) Claim 44 recites

determining an error in actual position coordinates included in an information signal and actual position coordinates of a base station. Further Claim 44 a transmitter operable to transmit a correction signal to transmit a correction signal based on the determined error. Applicant respectfully submits that Tsuyuki provides no disclosure of a receiver operable to determine an error in actual position coordinates included in an information signal and actual position coordinates of a base station, as recited by Claim 44. Therefore, applicant respectfully requests that the rejection of Claim 44 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed at this time.

### III. Claim Rejections 35 U.S.C. § 103

Claims 15 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuyuki in view of U.S. Patent No. 6,232,880 to Anderson et al. (hereinafter, "Anderson"). Claims 30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuyuki in view of U.S. Patent No. 5,963,130 to Schlager et al. (hereinafter, "Schlager"). These rejections are respectfully traversed.

#### III.A. The Rejection Under 35 U.S.C. § 103 as Being Unpatentable

##### Over Tsuyuki In View of Anderson

Claims 15 and 24 depend from Claims 12 and 22, respectively. As stated previously, Tsuyuki fails to disclose each and every element recited by Claims 12 and 22. In addition, applicant respectfully submits that Tsuyuki fails to suggest each and every element recited by Claims 12 and 22.

Anderson fails to overcome the significant shortcomings of Tsuyuki. As asserted in Amendment A dated July 13, 2004, Anderson is not prior art to the claimed subject

matter because applicant conceived of the invention claimed in the claims of the patent application prior to the 35 U.S.C. § 102(e) date of Anderson and applicant was diligent in reducing the invention to practice with the filing of U.S. Provisional Application No. 60/258,246 on December 26, 2000. In support, applicants submitted a Declaration of prior inventorship pursuant to 37 C.F.R. § 1.131 with Amendment A. Further, as asserted in Amendment A, Anderson does not disclose or suggest each and every element recited by Claims 12 and 22 from which Claims 15 and 24, respectively, depend. Accordingly, applicant respectfully requests that the rejection of Claims 15 and 24 should be withdrawn because Anderson is not prior art to the claimed invention and Anderson does not disclose or suggest each and every element recited by Claims

III.B. The Rejection Under 35 U.S.C. § 103 as Being Unpatentable  
Over Tsuyuki In View of Schlager

Claims 30 and 32 depend from Claim 12. Claim 12 recites a movable boundary detection device comprising: (1) a receiver operable to receive a positioning signal including actual position coordinates of a movable device in a first space; (2) a memory module including a memory to store predefined fixed position coordinates for defining a boundary between a second space and the first space; (3) a processor module operable to compare the actual position coordinates to the predefined fixed position coordinates; and (4) an indicator operable to indicate when the actual position coordinates are a predetermined distance from the boundary between the first space and the second space. Summarily, neither Tsuyuki nor Schlager, alone or in combination, discloses (1) a receiver operable to receive a positioning signal including actual position coordinates of a movable device in a first space; (2) a memory module including a memory to store



predefined position coordinates for defining a boundary between a second space and the first space; (3) a processor module operable to compare the actual position coordinates to the predefined position coordinates; and (4) an indicator operable to indicate when the actual position coordinates are a predetermined distance from the boundary between the first space and the second space. Additionally, Schlager offers no suggestion to modify the device or method disclosed therein to arrive at the presently claimed invention.

As stated above, Tsuyuki does not disclose the above features of Claim 12. Schlager fails to overcome the significant shortcomings of Dudley. Schlager is directed to a self-locating remote monitoring system **750** having a supervising base station **754** and remote monitoring units **752**. (Schlager, column 17, lines 54-58, and Figure 21.) Each of units **752** includes a navigational receiver **756** operating with an existing navigational system for providing a remote unit location **759** and includes a transmitter **758** for communicating location **759** to base station **754**. (Schlager, column 18, lines 1-9.) Remote unit **752** also include one or more physiological/environmental sensors **760** for monitoring at remote location **759**. (Schlager, column 18, lines 9-17.) In contrast, the device recited in Claim 12 compares actual position coordinates to predefined fixed position coordinates, and indicates when the actual position coordinates are a predetermined distance from the boundary between a first space and a second space. Schlager fails to disclose or suggest comparing actual position coordinates to predefined position coordinates, and indicating when the actual position coordinates are a predetermined distance from the boundary between a first space and a second space.

Accordingly, because of the dependency of Claims 30 and 32 on Claim 12, it is respectfully submitted that the rejection of Claims 30 and 32 should now be withdrawn.

#### CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that all of pending Claims 12-48 of the subject patent application are now in proper condition for allowance, and such action is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

#### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. **50-0426**.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

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